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8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12
13 UNITED STATES OF AMERICA,) CASE NO.: 22-CR-390-RS & 22-CR-443-RS
14 Plaintiff,)
15 v.) STIPULATION AND ORDER TO CONTINUE
16 HEVER SUAREZ) STATUS CONFERENCE AND EXCLUDE
17 Defendant.) TIME FROM JANUARY 3, 2023 TO JANUARY
18) 24, 2023
19 _____)

20 Plaintiff United States of America, by and through its counsel of record, the United States
21 Attorney for the Northern District of California and Assistant United States Attorney Charles Bisesto,
22 and defendant Hever Suarez (“Defendants”), by and through his counsel of record, Amy Craig, hereby
23 stipulates as follows:

24 1. On October 4, 2022, a four-count criminal Indictment was filed with the Court, charging
25 Defendant with violations of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(C), conspiracy to distribute and
26 possess with intent to distribute fentanyl and heroin, 21 U.S.C. § 841(a)(1) and (b)(1)(c), possession
27 with intent to distribute and distribution of fentanyl and heroin, and 21 U.S.C. § 843(b), unlawful use of
28 a communication facility. See Dkt. 52.

2. On October 6, 2022, Defendant was arraigned on the Indictment in Magistrate Court. His matter was set for a status conference in District Court on November 8, 2022. *See* Dkt. 55.

3. This matter is currently set for a status conference on January 3, 2023.

4. Defendant is continuing to discuss multiple potential ways to reach an early resolution of the matter. Additionally, both counsel for the government and counsel for Defendant will be out of the office the week of December 26 through the new year. The parties are hopeful that additional time will assist in making progress towards a plea agreement, but given the time constraints listed above, both parties believe the January 3, 2023 court date will not provide enough time.

5. For these reasons, the parties are requesting a further status conference date of January 24, 2023. Additionally, the parties agree that excluding time until the January 24, 2023 court date will allow for effective preparation of counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from January 3, 2023 through January 24, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in the prompt resolution of this case. *See id.*

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for Defendants to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: December 23, 2022

/s/
CHARLES F. BISESTO
Assistant United States Attorney

DATED: December 23, 2022

/s/
AMY CRAIG
Counsel for Defendant Hever Suarez

ORDER

Based upon the representations of counsel and for good cause shown, the Court continues the status conference date from January 3, 2023 to January 24, 2023. The Court further finds that failing to exclude the time from January 3, 2023 to January 24, 2023 would unreasonably deny defense counsel and Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

The Court further finds that the ends of justice served by excluding the time from January 3, 2023 to January 24, 2023 from computation under the Speedy Trial Act outweigh the best interests of the public and defendant in a speedy trial. *See* § 3161(h)(7)(A).

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from January 3, 2023 through January 24, 2023 shall be excluded from computation under the Speedy Trial Act. *See id.*

IT IS SO ORDERED.

DATED: December 23, 2022


HON. RICHARD SEEBORG
United States Chief District Judge